

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 97A00073 ¹
)	
EL CHARRO AVITIA, INC.,)	
DBA: EL CHARRO AVITIA,)	Judge Robert L. Barton, Jr.
Respondent.)	
)	

**ORDER REGARDING COMPLAINANT'S STATUS
REPORT ON SETTLEMENT NEGOTIATIONS**

(January 26, 1998)

In its Status Report dated January 12, 1998 Complainant states that the parties continue to be engaged in active settlement negotiations, and that Complainant has recently transmitted to Respondent a draft settlement agreement. While the Court does not wish to discourage any settlement negotiations, the case will proceed toward trial while the negotiations proceed.

Hence, unless the parties have filed a settlement agreement with the Court by March 2, 1998, this case will be placed on the trial calendar.² Consequently, if the parties are unable to submit a signed settlement agreement to the Court by the March 2 deadline, they shall file³ either a pleading proposing alternative dates for a telephone prehearing conference. Since there is a considerable time zone difference between Hawaii and Washington, D.C., the prehearing conference will begin at 9 a.m. (Hawaii local time) on whatever date is selected. The prehearing conference will consider

¹ The correct Case No. is 97A00073. All future pleadings must contain the correct case number.

² As provided by the Rules of Practice, "filed" means that the document is received by my office by the due date. See 28 C.F.R. § 68.8(b).

³ 28 C.F.R. Section 68.6(a) requires an original and two copies of all pleadings to be filed with the Judge. If a party fails to comply with this Rule in the future, the pleading may be rejected and will not be considered filed.

the following:

- (1) the status of settlement negotiations;
- (2) the allegations in the complaint and Respondent's answer to the same;
- (3) disputed factual and legal issues;
- (4) the possibility of obtaining stipulations or admissions of facts and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings on the admissibility of the proposed exhibits submitted by the parties;
- (5) a discussion of whether the case is ready for hearing and a hearing date;
- (6) any other matters which may facilitate the just, speedy and inexpensive disposition of this action.

See 28 C.F.R. § 68.13(a) and 16(c), Fed. R. Civ. Proc.

If the parties do not file a settlement agreement by March 1, 1998, and also do not file a pleading proposing dates for a telephone prehearing conference, then I may set the date and time of the conference without further consultation with the parties.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 1998, I have served the foregoing Order Regarding Complainant's Status Report on Settlement Negotiations on the following persons at the addresses shown by first class mail, unless otherwise noted:

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